



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
LAND USE PLANNING COMMISSION  
43 LAKEVIEW STREET  
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB  
COMMISSIONER

## PERMIT

### AMENDMENT B TO GREAT PONDS PERMIT GP 3312 WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Todd Morrisette d/b/a Deadhead Lumber Company for Amendment B to Great Ponds Permit GP 3312, finds the following facts:

1. Applicant: Todd Morrisette d/b/a Deadhead Lumber Company  
86 Chicopee Road  
Buxton, Maine 04093
2. Date of Completed Application: August 6, 2014
3. Location of Proposal: Submerged publicly-owned lands of Moosehead Lake
4. Locations of Take Out: Lily Bay Twp., Piscataquis County  
Lots #3 & #27 on Plan 05, Map P1060  
(Lessor: Stephen W. Cole)
4. Zoning: (P-WL1) Wetlands Protection Subdistrict  
(D-RS) Residential Development Subdistrict
5. Proposed Activity: Submerged Log Salvage
6. Affected Water body: Moosehead Lake

Moosehead Lake has been identified by the Commission as a resource class 1A, management class 7, relatively accessible, relatively developed lake with outstanding fisheries, wildlife, botanical, cultural, and physical characteristics. Scenic and shoreline characteristics are rated either significant or outstanding for the project areas. Moosehead Lake is a flowed lake.

#### Proposal

7. The applicant proposes a 5 year log salvage of submerged logs within Moosehead Lake from August 6, 2014 until August 6, 2019. The proposed salvage areas are shown as shaded areas on 2 sheets (Site #1 & Site #2) entitled: "Attachment A, Log salvage and

take-out area” which are attached to this permit and the Bureau of Parks and Lands Sunken Log Salvage Authorization dated July 8, 2014. The salvage areas include:

- A. Site #1 of submitted site plan: The south end of Moosehead Lake which encompasses the area surrounding Sugar Island, the open waters south of Deer Island and the open waters south of Burnt Jacket peninsula;
- B. Site #2 of submitted site plan: The north end of Moosehead Lake which encompasses from the open waters from Casey’s Campground to the southerly edge of Kineo, open waters of Spencer Bay, open waters surrounding Farm Island and all open waters north of the Toe of The Boot.

The salvage operation would take place in areas adjacent to the following townships: Big Moose, Lily Bay, Sapling, Spencer Bay, Days Academy Grant, Kineo, Tomhegan, Rockwood Strip, Taunton and Raynham Academy Grant, East Middlesex Canal Grant, and the Town of Beaver Cove.

- 8. The applicant proposes to salvage up to 40,000 board feet of logs from the publicly-owned submerged lands of Moosehead Lake.
- 9. The applicant proposes to initially locate the submerged logs using a side scan sonar and GPS operated from a “search” boat. The applicant then proposes to return to the “target” locations with the salvage vessel to identify logs suitable for salvage using underwater cameras attached to the salvage gear, lowered by cable / winch, and viewed from onboard monitors. The applicant proposes to retrieve suitable logs using log tongs to grab then lift the salvaged log to the surface using winches from the salvage vessel. The applicant then proposes to secure up to 5 logs to the salvage vessel for transport to the 35’ x 60’ underwater storage areas located out shore of the Lily Bay take-out site. The applicant proposes to bundle the groups of transported logs with a wire harness rope for deposit to underwater storage area. The applicant proposes to utilize the same wire rope harness during the removal / haul-out process.

At the underwater storage area, the applicant proposes to place the harnessed groups of logs on the lake bottom until enough logs have accumulated for a shipment. The applicant also proposes to maintain at least ten feet of open / navigable water over the top of the submerged logs during storage. The water at the Lily Bay underwater storage site is approximately 20-24’ feet deep. The applicant proposes to limit the height of the stock piled logs within the underwater storage area to no more than 10’ in elevation off the existing bottom, thereby maintaining at least 10’ of navigable depth over the underwater log storage areas. The proposed log storage area is located on publicly-owned submerged lands.

The applicant proposes to remove the logs when enough logs have accumulated for shipment. The applicant proposes to refloat the stored logs in wire harnessed groups and transport the logs, without dragging the bottom, to within “boom” reach of a waiting log truck at the take-out location. The applicant proposes to remove the bundled logs using a hydraulic boom to load them on the log truck for transport off site.

The applicant does not propose to alter and/or do any construction / grading or site work to either of the existing take-out location. The applicant states that the Lily Bay take-out site has a gravel landing supported by a heavy wooden retaining wall with an



approximately 3' drop to the water level and approximately 10-12' of water depth with a rocky bottom that gradually deepens to 20-24'.

10. The owner of the Lily Bay Township haul-out site, Stephen W. Cole, has entered into a lease contract effective from June 1, 2014 through December 1, 2014 with the applicant to allow the log salvage operation to land and load the salvaged logs at his wharf located in Lily Bay Township (Lots #3 & #27, Plan 05). The proposed haul-out site is existing gravel landing supported by a heavy wooden retaining wall. By utilizing this existing landing, no damage to the shoreline is expected, because the logs will be picked out of the lake using a boom and no heavy equipment will be driven below the normal high water mark of Moosehead Lake. The applicant proposes to utilize a 35' x 60' underwater log storage area located approximately 880' off shore of the landing at N45 35.923' & W69 31.269'.
11. The proposed salvage area is located in water deeper than 20 feet.
12. The proposed salvage operation could temporarily disturb up to approximately 31,000 square feet of lake bottom, or (P-WL1) Wetland Protection Subdistrict, to lift /salvage up to approximately 40,000 board feet of submerged logs. Additionally, the underwater storage operation at Lily Bay will temporarily disturb approximately 4,200 square feet of lake-bottom to store the logs adjacent to the haul-out site. Therefore, the proposed log salvage operation will cause approximately 35,200 square feet of temporary disturbance to lake-bottom which is considered P-WL1, a Wetland Protection Subdistrict. Since the disturbances are very temporary in nature and the disturbed areas are expected to quickly revert back to a natural state upon completion of salvage operations, the applicant has not proposed any formal mitigation plans.

### **Review Criteria**

13. In accordance with Section 10.21,J,3,c(16), Section 10.23,E,3,c(5), and Section 10.23,N,3,c(4) of the Commission's Land Use Districts and Standards, shoreland alterations are a use requiring a permit in a (D-RS) Residential Development Subdistrict, a (P-GP) Great Pond Protection Subdistrict, and a (P-WL) Wetland Protection Subdistrict, respectively. Section 10.02(170) defines shoreland alteration as dredging or removing materials from below normal high water.
14. Under the provisions of Section 10.25,P,1,c(3) of the Commission's Land Use Districts and Standards, Tier 3 reviews are for projects altering any area of P-WL1 wetland. Alterations of P-WL1 wetlands may be eligible for a Tier 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include, but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected resources.
15. Under the provisions of Section 10.25,P,2 of the Commission's Land Use Districts and Standards, projects requiring a Tier 2 review are subject to the following standards:
  - A. A project must not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the

- environment. The applicant must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist;
- B. A project must limit the amount of wetland altered to the minimum amount necessary to complete the project;
  - C. A project must comply with applicable water quality standards;
  - D. Projects must use erosion control measures to prevent sedimentation of surface waters; and
  - E. Compensation may be required to offset a lost wetland function with a function of equal or greater value.
16. Under the provisions of Section 10.25,P,1,b(2) of the Commission's Land Use Districts and Standards, if a proposed activity requires a permit and will alter 500 or more square feet of a P-WL1 wetland, the Commission may require, as a condition of approval, mitigation, including compensation, as provided in the Commission's General Land Use Standards in Section 10.25,P,2.
17. Under provisions of Section 10.25,P,2,e(2) of the Commission's Land Use Districts and Standards, the Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.

#### **Agency Review**

18. The Maine Bureau of Parks and Lands (BPL) issued a Sunken Logs Salvage Authorization on July 8, 2014 restricting the total amount of logs to be salvaged to 40,000 board feet. The authorization is valid until September 30, 2014.

The Maine Bureau of Parks and Lands (BPL) 2009 Sunken Log Authorization prohibited log salvage in Spencer Bay east of Stevens Point, Cowen Cove, Lambs Cove, Socatean Bay, Tomhegan Cove, and the Moose River Inlet before July 1<sup>st</sup> or after August 15<sup>th</sup>, to avoid potential conflicts with salmonid spawning areas. Log salvage must not occur after September 1<sup>st</sup> in the area of the East Outlet west of Moose Point to avoid sediment transport to the Kennebec River. Log salvage must not occur in areas located between the southeasterly shore of Sugar Island and the mainland, no log salvage is permitted within the marked navigational channels or within 300 yards of Lily Bay State Park.

19. The Maine Historic Preservation Commission reviewed the application for Great Ponds Permit GP 3212 Amendment B and recommended the sunken artifacts should not be disturbed during salvage operations and that any portion of recovered logs bearing ownership marks should be preserved and notice provided to that agency.
20. The Maine Inland Fisheries and Wildlife had no objections to amending Great Ponds Permit GP 3212
22. The Maine Department of Environmental Protection reviewed of Great Ponds Permit GP 3212, issued to the applicant in 2008 and had no further comment for amending Great Ponds Permit GP 3212.



23. The facts are otherwise as represented in the application for Amendment B to Great Ponds Permit GP 3312 and supporting documents.

**Based upon the above Findings, the staff concludes that:**

1. In accordance with the provisions of Section 10.25,P,2 of the Commission's Land Use District's and Standards, the proposed submerged logs salvage meets the requirements for a Tier 2 review. Specifically, the proposed retrieval, transport, storage, and removal of the logs from the lake would only create a temporary disturbance to the lake bottom; the applicant has made provisions to reduce or eliminate disturbance; and no affect on the water quality of the lake is expected to occur.
2. In accordance with the provisions of Section 10.25,P,2,e(2) of the Commission's Land Use District's and Standards, the requirements for a functional assessment and compensation may be waived. Because the lake bottom disturbance due to salvaging and storing the logs would be temporary in nature, no permanent alteration of the P-WL1 wetland would occur. Furthermore, log salvage conducted in a similar manner has not been found to produce an adverse affect on the fisheries habitat if conducted in accordance with MDIFW recommendations.
3. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

**Therefore, the staff approves the application of Todd Morrissette d/b/a Dead Head Lumber Company with the following conditions:**

1. The Standard Conditions for Shoreland Alterations (ver. 4/91), a copy of which is attached.
2. All log salvage activities must be consistent with and restricted to those areas of Moosehead Lake specified in the permittee's Bureau of Parks and Lands' Sunken Logs Salvage Authorization dated July 8, 2014.
3. Log salvage must not occur in Spencer Bay east of Stevens Point, Cowen Cove, Lambs Cove, Socatean Bay, Tomhegan Cove, and the Moose River Inlet before July 1<sup>st</sup> or after August 15<sup>th</sup>. Log salvage must not occur after September 1<sup>st</sup> in the area of the East Outlet west of Moose Point.
4. With the exception of the log haul-out operations, submerged logs must not be retrieved from areas with water less than 20 feet deep at low water.
5. The log salvage and storage activities must not interfere with public use of the lake or create a navigation hazard. If logs are transported at night, all boats and equipment must be illuminated and meet all USCG and State of Maine navigational lighting requirements.
6. The activities involved with the log salvage operation must not in any way disturb archeological or heritage sites, including native American artifacts, shipwrecks and their cargo, artifacts, cribs, wharves, and weirs. Any possible historic artifacts encountered must be reported to the Maine Historic Preservation Commission or the

Maine State Museum. Any recovered logs bearing an ownership mark must be preserved, and provided to the MHPC. Logs that have been worked with tools are artifacts and property of the Maine State Museum. These artifacts may include, but are not limited to, boom logs, cribbing, and any logs or timbers that have been worked with tools. Any artifact, or log that is substantially embedded, so that its condition cannot be readily observed, must be left undisturbed

7. All salvaged logs must be removed from the lake at the specified haul-out site, which are referenced as wharf owned by Stephen W. Cole, in Lily Bay Township.
8. Logs substantially imbedded in the lake bottom must not be salvaged or disturbed.
9. During retrieval, transport, and removal, the salvaged logs must not be dragged on the lake bottom or across the shoreline.
10. Wheeled or tracked equipment operated on shore may reach into the water with a bucket or similar extension but must not be driven below the normal high water mark.
11. All logs salvaged from the lake bottom must be removed from the lake. No logs may be lifted from the lake bottom and re-deposited, except as necessary to store the logs at the designated underwater storage area.
12. Salvaged logs temporarily stored adjacent to the Lily Bay haul-out site must not interfere with navigation or create a safety hazard. To this end, logs must not be stored within 10 feet of the water surface and must be secured to the bottom of the lake and appropriately marked to comply with any/all USCG and/or State of Maine navigation rules.
13. All salvaged logs must be removed from the temporary storage area, the haul-out site, and Moosehead Lake by September 30<sup>th</sup>.
14. In the event that salvage gear becomes fouled or lost during salvage operations, the permittee must mark the site in accordance with USCG & State of Maine navigational rules and promptly initiate a recovery effort. The permittee is responsible for removing all gear and equipment from the lake by September 30, 2014. The permittee is prohibited from abandoning any salvage gear and/or vessels in Moosehead Lake.
15. All wood waste generated by the transport and removal of the logs at the haul-out site must be removed from the lake at the end of each workday.
16. During all salvage operations involving retrieval and/or transport of logs to the underwater storage and/or haul-out locations, the salvage vessel must have a captain and at least one crew member.
17. The permittee must comply with all agency review comments referenced in Great Ponds Permit GP 3312 and in this permit.
18. The permittee must strictly adhere to all log salvage conditions and standards referenced in the applications and authorizations for this permit and the Bureau of Parks and Lands Sunken Log Salvage Authorization dated July 8, 2014 and attached to this permit.

19. Upon request, the permittee shall allow a representative from the Land Use Planning Commission the onboard opportunity to observe the log salvage operations authorized by this permit.
20. With the exception of the log salvage operations specifically described within this permit and the accompanying application documents, this permit does not authorize any shoreland alterations at or above the normal high water line and/or to either of haul-out facilities.
21. Prior to each harvesting year the applicant shall submit to the Land Use Planning Commission a letter of approval or contractual agreement from the Maine Bureau of Parks and Lands and the Maine Inland Fisheries and Wildlife to proceed with the harvesting activities.
22. Prior to each harvesting year the applicant shall submit to the Land Use Planning Commission a copy of the lease agreement for the Lily Bay take out area.
23. Notwithstanding Standard Condition #3 for Shoreland Alternations, this permit will remain valid only until August 6, 2019 or the maximum removal of 40,000 board feet of lumber for the calendar year 2014 and thenceforth per calendar year for the maximum board feet as authorized by the Maine Bureau of Parks and Lands.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 6th DAY OF August, 2014.



---

For Nicholas Livesay, Director